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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

AUG 11 1992

92-28

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ORIGINAL
FILE

Honorable James H. Scheuer
House of Representatives
2221 Rayburn House Office Bldg.
Washington, DC 20515-3208

Dear Congressman Scheuer:

Thank you for your letter concerning the Commission's pending proceeding that addresses the allocation of spectrum for mobile-satellite service using low-Earth orbit satellites (LEO-MSS).

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On September 26, 1991, in ET Docket No. 91-280, we proposed to allocate spectrum in the VHF and UHF bands for LEO-MSS that can be used for position determination and data messaging. We awarded a tentative pioneer's preference to Volunteers in Technical Assistance, Inc. for their pioneering effort in developing the first civilian LEO communications satellite system.

In another proceeding, ET Docket No. 92-28, on August 5, 1992, we proposed to allocate spectrum in the 1.6 and 2.5 GHz bands for a mobile-satellite service using LEOs or geostationary satellites (GEOs) that would provide two-way voice services, position determination, and data messaging. In this proceeding we declined to award a tentative pioneer's preference because none of the proponents demonstrated that they were the innovators of the proposed technology.

Allocating spectrum in an efficient manner that promotes competition is one of the Commission's priorities. We are studying how to accommodate various LEO proponent systems that may use incompatible technical schemes. In ET Docket No. 91-280, we have proposed the use of negotiated rulemaking procedures as one possible way to reach accommodation among the competing interests. We are considering the same approach in ET Docket No. 92-28.

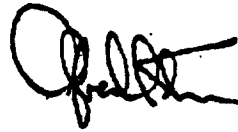
Please be assured that your views regarding the efficient use of the spectrum, minimizing operational costs, and promoting competition are consistent with those of the Commission. Your

Honorable James H. Scheuer

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letter will be taken into account before a final decision is made in these matters, and for that purpose I am placing it in the record of both ET Dockets No. 91-280 and 92-28.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alfred C. Sikes', with a large, stylized initial 'A'.

Alfred C. Sikes
Chairman

JAMES H. SCHEUER
8TH DISTRICT, NEW YORK

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July 24, 1992

Alfred C. Sikes
Chairman
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, D.C. 20554

Dear Chairman Sikes:

It is my understanding that the FCC is considering initiation of a comprehensive rulemaking which will involve operation of low earth orbiting (LEO) satellites. I commend you on this effort. In my view, this proceeding has enormous potential to advance a worldwide mobile communications system which will enhance U.S. technology and competitiveness while greatly improving the U.S. balance of trade.

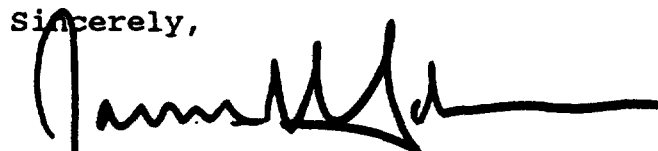
In my view, it is critical that the FCC carefully consider the complicated issues raised by this important concept. I understand that this is the FCC's intention in initiating this rulemaking. However, I am concerned that the FCC may precipitously circumvent a full and comprehensive review prior to the resolution of the fundamental policy issues involved in operation of these competing systems. In particular, I am concerned with reports that the FCC may use the pioneer preference mechanism for a premature system selection.

For example, it is important that LEO satellite systems operate in a competitive rather than a monopoly environment. I believe you will agree that it is vastly important that spectrum allocation for LEO systems be awarded in the most efficient manner possible due to ever increasing allocation requests and the need for international cooperation. Finally, it is essential that operational costs be fully considered to assure that LEO systems are available to the maximum number of potential users.

Chairman Sikes
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I would very much appreciate it if you would advise me at the earliest opportunity of your views on these issues. -

Sincerely,

A handwritten signature in black ink, appearing to read 'James H. Scheuer', with a long horizontal line extending to the right.

James H. Scheuer
Member of Congress

cc. Commissioner Andrew C. Barrett
Commissioner Ervin S. Duggan
Commissioner Sherrie Marshall
Commissioner James H. Quello